

## REMARKS

The specification has been amended to correct a typographical error.

In addition, claim 1 has been amended to clarify Applicants' invention and claim 6 to avoid the rejection of the claim under 35 U.S.C. §112, second paragraph.

New claims 8 and 9 have been added. Support for claim 8 can be found on page 10, lines 27-32 of the specification and claim 9 on page 6, lines 20-23 of the specification.

In the Office Action, the Examiner rejected claims 1-3 and 6-7 under 35 U.S.C. §102(e) for being anticipated by Berstis (U.S. Patent No. 6,564,005). In addition, claims 4 and 5 were rejected under 35 U.S.C. §103(a) for being obvious over Berstis in view of Arnold (U.S. Patent No. 5,956,408). Reconsideration of the rejections is requested on the grounds that it is not believed that Berstis teaches the essential features of the claimed "processing section" of the machine tool program of amended claim 1.

Amended claim 1 specifically recites a "machine tool" program unauthorized-use preventing device for a machine tool having optional operation machine tool programs. Additionally, it recites that the device inherent password is "inherent to the machine tool program unauthorized-use preventing device and set by a manufacturer of the machine tool program unauthorized-use preventing device" and that the machine-tool inherent password is "inherent to the machine tool, into which the machine tool program unauthorized-use preventing device is installed, and set by a manufacturer of the machine tool." These additional features are clearly supported by the specification and drawings, e.g., on page 1, lines 7 to 10; on page 6, lines 1 to 5; and on page 6, lines 24 to 27 of the specification.

The beneficial effects obtained by the claimed device are described from page 6, line 33 to page 7, line 16 of the specification.

Berstis discloses a multi-user video hard disk recorder for recording and replaying television programs. This is totally remote from the technical field of machine tools and "machine tool programs." Moreover, Berstis provides no teaching of how to solve the noted problems in the technical field of machine tools, such that when obtaining use licenses of various optional operation machine tool programs in a machine tool, the manufacturer of the machine tool cannot perform the operation for bringing an optionally selected operation program into a usable state. The claimed device solves these problems with the features described above.

Accordingly, it is not seen how claim 1 or claims 2, 3, 6 and 7 dependent therefrom can be considered to be anticipated by Berstis. Its withdrawal as a ground of rejection of these claims under §102(e) is therefore requested.

Regarding claims 4 and 5, since these are dependent from claim 1 and Arnold does not teach what is missing in Berstis since it relates to an apparatus and method for the secure distribution of software, software updates and configuration and not "machine tools" or "machine tool programs," it is submitted they are patentable over the combination of Berstis in view of Arnold for the same reasons. Withdrawal of the cited combination of references as a ground of rejection under §103(a) is therefore requested.

It is believed claims 1-7 as well as new claims 8 and 9 dependent from claim 1 are in condition for allowance and such action is therefore requested.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

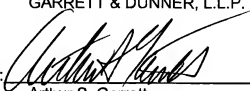
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: November 10, 2008

By:

A handwritten signature in black ink, appearing to read 'Arthur S. Garrett', is written over a horizontal line.

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